

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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HILDA R. MUINOS, :  
Plaintiff, : ECF CASE  
v. : CASE NUMBER: 08 CV 0271  
THOMAS NELSON, INC., : (G.B.D.)  
Defendant. :  
-----X

**DECLARATION OF ANDREW VITRANO  
IN OPPOSITION TO MOTION OF DEFENDANT  
THOMAS NELSON, INC. TO TRANSFER VENUE**

I, Andrew Vitrano, declare and state as follows:

1. I am a partner in the law firm of Vitrano & Moschetta LLP, counsel for plaintiff Hilda R. Muinos ("Ms. Muinos") in the above-captioned action. Except for the facts stated on information and belief, all of the facts set forth herein are known to me personally, and if called as a witness, I would testify competently to them.

2. Attached hereto as **Exhibit A** is a true and correct copy of a sales receipt for the two books published and distributed by Defendant that Ms. Muinos has alleged contain twenty-nine illustrations that infringe her copyrights. Barnes & Noble Booksellers, located at 1280 Lexington Avenue, New York, New York, issued the receipt to me when I purchased the books.

3. Attached hereto as **Exhibit B** is true and correct copy of a page on Defendant's website that lists six bookstores in New York, New York where Defendant offers the book for sale. I found the page on Defendant's website, [www.thomasnelson.com](http://www.thomasnelson.com).

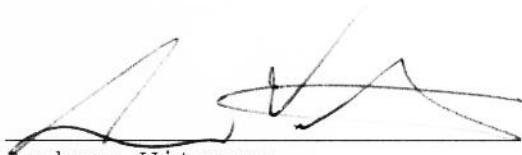
4. Attached hereto as **Exhibit C** is a true and correct copy of a business records report published by Hoovers, Inc. Upon information and belief, it contains accurate information pertaining to Defendant's business including 2006 sales revenues and employee-count which, upon information and Belief, Defendant voluntarily reported to Hoover's, Inc. I found the information by conducting a search on [www.hoovers.com](http://www.hoovers.com).

5. For the reasons set forth in the Memorandum of Law of Plaintiff Hilda R. Muinos in Opposition to Motion of Defendant Thomas Nelson, Inc. to Transfer Venue for which the foregoing information if offered in support, I respectfully request that the Court deny Defendant's motion to transfer this case to the Middle District of Tennessee.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 14, 2008 at New York, New York.

Respectfully submitted,

By:

  
Andrew Vitrano

## **Exhibit A**

Store Number 2525 | 1280 Lexington Ave | New York, NY 10028 | (212)423-9900

## Order Detail

### Customer Information

andrew vitrano

Day Phone #: (917)533-4749  
E-mail:

### Shipping Information

Store 2525

Method: Back to Store

### Order Information

Status: Open  
Store Ord. #: 2525-326227  
Store# 2525

Ord. Date: 3/10/2008  
Expected Arrival Date:  
Total Cost: \$33.98  
Order Submission:

### Item Details

Item	Qty	Price	Org Expected Arrival Date	New Expected Arrival Date	Expiration Date	Received Date	Product Status
1. Healthy Mother, Healthy Baby: The Complete Guide for New Mothers ISBN: 1401602983 Trade Paper	1	\$16.99					New Order

Mama sana, bebe sano  
ISBN: 0881130397  
Trade Paper

Barnes & Noble Booksellers  
1280 Lexington Avenue  
New York, NY 10028  
212-423-9900  
03-10-08 S02525 R001

### CUSTOMER RECEIPT COPY

Healthy Mother, Healthy 9781401602987	16.99
Mama sana, bebe sano 9780881130393	16.99
<b>SUB TOTAL</b>	33.98
<b>SALES TAX</b>	2.85
<b>TOTAL</b>	<b>36.83</b>
<b>AMOUNT TENDERED</b>	
<b>AMEX</b>	36.83
CARD #:	*****1008*
AMOUNT	36.83
AUTH CODE	260211

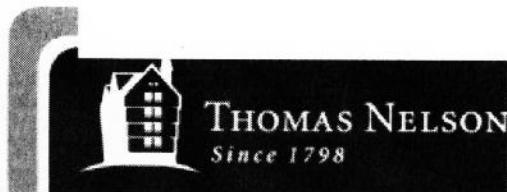
**TOTAL PAYMENT** 36.83  
**A MEMBER WOULD HAVE SAVED** 3.40

Thank You for shopping at  
Barnes & Noble Booksellers  
Shop online 24 hours a day [www.bn.com](http://www.bn.com)  
#355884 03-10-08 02:53P Laura

New Order

355884  
TRAN5

## **Exhibit B**

 [Fiction](#) | [Nonfiction](#) | [Bibles](#) | [Kids](#) | [Reference](#) | [Gift Books](#) | [Spanish](#) | [FAQ's](#) | [Contact Us](#)

## Store Finder

While you are welcome to purchase any of our products online, we certainly want you to support your local retailer. To find a Nelson retail partner, including Christian retail stores that are not Christian Book Association members, enter your search criteria into the provided fields below.

To find a CBA member store near you [click here](#).

**Please Enter Your Search Criteria:**

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Results:

**BARNES & NOBLE #2525**  
E 240 86 ST  
NEW YORK, NY 10028

**BARNES & NOBLE #2618**  
160 E 54TH ST  
NEW YORK, NY 10022-4729

**BARNES & NOBLE #2675**  
33 E 17TH ST  
NEW YORK, NY 10003-2004  
Phone: (212) 539-2237

**BARNES & NOBLE 2628**  
1972 BROADWAY  
NEW YORK, NY 10023-5903

**GREATER NEW YORK ABC (2)**  
12 W 40TH ST  
NEW YORK, NY 10018-3901  
Phone: (212) 944-2788

**ZOE CHRISTIAN BOOKSTORE**  
45 WEST 116TH STREET  
NEW YORK, NY 10027  
Phone: (212) 828-2776  
Fax: (212) 828-7494

[News](#) [About Nelson](#) [Catalogs](#) [Employment](#) [Store Finder](#) [Directory of Sites](#) [Business Resources](#)

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## **Exhibit C**

## Thomas Nelson, Inc.

501 Nelson Place  
Nashville, TN 37214 United  
States ([Map](#))

Phone: 615-889-9000  
Toll Free: 800-251-4000  
Fax: 615-391-5225

<http://www.thomasnelson.com>

Covered by Barbara Murray

### OVERVIEW

Thomas Nelson's psalm of success comes straight from the Good Book. Considered the world's top commercial publisher of Christian-related materials, it produces nine major Bible translations in the English language, as well as biblical reference products, including commentaries, help texts, and study guides. In addition, Thomas Nelson publishes religious and inspirational titles by authors such as Max Lucado and John Eldredge. The company also hosts inspirational conferences (Women of Faith) and is a leading producer of Christian-oriented and family-focused products for adults and children, including books and games, as well as audio, video, and CD-ROM materials. Thomas Nelson became a private company in 2006.

### KEY INFORMATION

<b>D-U-N-S Number</b>	004414983 <a href="#">Buy a D&amp;B credit report.</a>
<b>Doing Business As</b>	"Creative Papers" "Nelson" "Pretty Papers" "Word"
<b>Company Type</b>	Private Headquarters Subsidiary
<b>Ultimate Parent</b>	<a href="#">Faith Media Holdings, Llc</a>
<b>Ultimate Parent D-U-N-S</b>	784434826
<b>Year Of Founding or Change In Control</b>	2006
<b>State of Incorporation</b>	TN

### KEY NUMBERS

<b>Fiscal Year-End</b>	March
<b>2006 Sales (mil.)</b>	\$253.1
<b>1-Year Sales Growth</b>	6.4%
<b>2006 Employees</b>	650
<b>1-Year Employee Growth</b>	8.3%
<b>Employees At This Location</b>	230

### KEY PEOPLE

<b>Chairman</b>	<a href="#">Sam Moore</a>	<a href="#">Make A Connection</a>
<b>President and CEO</b>	<a href="#">Michael S. (Mike) Hyatt</a>	<a href="#">Make A Connection</a>
<b>EVP and CFO</b>	Joe L. Powers	

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**VP Information Technology**

Rick Proctor

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**EVP and Chief Live Events Officer**

Mary Graham

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## PEOPLE PROFILES PROVIDED BY THOMAS NELSON EMPLOYEES

There are currently no people listed with this company. Be the first:

**[Add yourself to this company record](#)**

## SIGNIFICANT DEVELOPMENTS

Date	Event

## INDUSTRY INFORMATION

First Research Industry Profiles

[Book Publishers](#)**(primary)**

Hoover's Industries

[Media](#)

[Publishing](#)

[Book Publishing](#) **(primary)**

[Film & Video](#)

[Business Services](#)

[Advertising & Marketing](#)

Primary SIC Code

2731: Book publishing

Primary NAICS Code

511130: Book Publishers

## INDUSTRY WATCH

[Apple's Next Big Thing: New iMac](#) (5:12)

08/03/07 4:40PM ET - Pacific Consumer Electronics Analyst Andy Hargreaves, Marketwatch Columnist John Dvorak, and CNBC Silicon Valley Bureau Chief Jim Goldman discuss what little is known the next generation of the iMac.

## TOP COMPETITORS

[Courier Corporation](#)

[HarperCollins](#)

[Reader's Digest](#)

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